

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERICA CARDENAS	:	
	:	
Plaintiff,	:	<u>ORDER</u>
	:	
-v.-	:	24 Civ. 4041 (JGK) (GWG)
	:	
IMS FUND LLC	:	
	:	
Defendant.	:	
-----X	:	
GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE		

A telephone conference to discuss the discovery dispute raised in Docket # 21 will take place on Tuesday, July 23, 2024 at 3:30 p.m. A few minutes prior to this date and time, the parties shall dial 646-453-4442 and use access code: 447 895 348#. (The public may also dial in but will be permitted only to listen.) When dialing in to the conference, the parties must be in a quiet indoor location and must not use a speakerphone. A telephone line and microphone technology with optimal quality should be used.

The Court notes that the plaintiff appears to believe that discovery at this stage will be limited to the issue of “whether the telephone number at issue was the Plaintiff’s telephone number.” In fact, the Court is prepared to order discovery as to any issue that goes to subject matter jurisdiction for which there is a good faith basis to seek discovery. Accordingly, the Court gives plaintiff leave to file a supplemental letter in advance of the telephone conference that addresses (1) all the topics of discovery listed in defendant’s letter and (2) as to each topic, whether that topic is in fact relevant to subject matter jurisdiction (as opposed to the merits of the complaint).

It is the Court’s intention to decide the dispute based on the parties’ letters unless a party shows good cause in advance of the conference why formal briefing should be required.

The Court will record the proceeding for purposes of transcription in the event a transcript is ordered. However, any other recording or dissemination of the proceeding in any form is forbidden.

Upon receipt of this order each attorney or unrepresented party is directed to ensure that all other attorneys or unrepresented parties on the case are aware of the conference date and time. The parties should follow paragraph 1. F of this Court’s Individual Practices (available at: <https://nysd.uscourts.gov/hon-gabriel-w-gorenstein>) for any request for an adjournment.

SO ORDERED.

Dated: July 17, 2024
New York, New York



GABRIEL W. CORENSTEIN
United States Magistrate Judge